

**GOVERNMENT OF ANDHRA PRADESH**  
**ABSTRACT**

Tribal Welfare Department – CV - Appeal Petition filed by Sri. K.Gopal S/o Murugesan, Occ:Senior Compositor, Govt. Regional Printing Press, Kurnool District – Under Section 7 of Act 16 of 1993, against the Proceedings of the Collector, Kurnool District, Dated: 20-4-2006 - Appeal Rejected – Orders –Issued.

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SOCIAL WELFARE (CV.2) DEPARTMENT

G.O.Ms.No.107

Dated: 9-6-2008.  
Read the following:-

- 1.Proceedings of the Collector, Kurnool District, R.Dis.C6/503/M/06,  
Dated: 20-4-2006.
- 2.Appeal Petition filed by Sri. K.Gopal S/o Murugesan, Occ:Senior Compositor,  
Govt. Regional Printing Press, Kurnool District, through his advocate,  
Dated:17-5-2006.
- 3.Govt.Memo No.5162/CV.2/2006-1, Dated: 14-8-2006.
- 4.From the District Collector, Kurnool, Lr. Ref.C6/1130/M/2006, dated:11-10-2006.
5. Govt. Memo No.5162/CV.2/2006, Dated: 19-3-2008.

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**ORDER:**

Sri. K.Gopal S/o Murugesan, has filed appeal petition before Govt. against the Proceedings, dated 20.4.2006, issued by the District Collector, Kurnool, for cancellation of his ST “ Nayaka ” Caste Certificate. The appellant put forth the following grounds in his appeal petition:

1. His father in the year 1942 migrated from Tamilnadu to A.P. i.e., during the time of composite Madras State. The appellant herein belong to Naicker Caste and his father was an illiterate and during the time of his admission in the School, the school authorities have wrongly noted down his caste as Nayaka instead of Naicker. Basing on the school certificates, the father of the appellant got registered his name in the Employment exchange as Nayaka and subsequently the appellant herein secured an employment in the Government Printing Press, Kurnool, through employment exchange under ST Category. The appellant has been discharging his duties to the utmost satisfaction of the concerned and completed 26 years of unblemished record of service. That the appellant herein never submitted any application before the authorities stating that he belongs to ST Caste.
2. The appellant never submitted any false or fabricated documents at the time of enrolment of his name in the employment exchange. That some persons who are enimically disposed towards the appellant appears to have misrepresented the facts before the Employer of the appellant, basing on the said misrepresentation the respondent i.e., Collector, Kurnool got issued a show cause notice on 29-11-2005 alleging that the appellant obtained ST Certificate fraudulently. The Appellant never obtained the ST Certificate fraudulently and accordingly the appellant herein submitted his explanation in detail stating that during his childhood at the time of his school admission, the school authorities have wrongly noted down his caste as Nayaka instead of Naicker and there is no fault on the part of the appellant.
3. The respondent i.e., Collector, Kurnool, herein without considering the facts and circumstances, upon an erroneous view issued the impugned proceedings dated: 20-4-2005 in Proceedings No. D.Dis.No.C6/503/2006 holding that the appellant herein had obtained the ST Certificate fraudulently.
4. The appellant is the only earning member of his family and except the employment he do not have any source of income and at this stage if the impugned proceedings dated:20-4-2006 are allowed to stand, the appellant herein will suffer irreparable loss and hardship.

2). Govt. has obtained the parawise remarks and connected records from the District Collector, Kurnool District, vide his letter 4<sup>th</sup> read above.

3). Govt. have examined the appeal filed by the individual along with remarks of the District Collector, Kurnool, and available records and it is observed as follow:

1. In the appeal petition it has been stated that the father of the petitioner migrated from Tamil Nadu to A.P., in the year 1942 i.e. during the time of composite Madras State. The petitioner also admitted that he belongs to "Naickar" caste and in the School records in A.P., the School Authorities have wrongly noted his caste as Nayaka instead of 'Naickar'. and basing on the school certificates the petitioner's father got registered the petitioner in Employment exchange and he secured employment under ST Category.
2. The appellant stated some facts before the DLSC. The petitioner was fully aware of the fact that he does not belong to Nayak ST Caste and knowingly he got the benefit of appointment under the ST Category which shows that the petitioner has not acted in a fair manner. The petitioner himself admitted that he belongs to Naicker community which is recognized as BC in Tamil Nadu and not in A.P.. Further in the Constitution (ST) order, 1950, the SC, ST (Amendment) Order, 1956, the SC & ST lists (modification) Order, 1956 and SC & ST Orders (Amendment) Act, 1976 Naickar is not listed as ST in A.P. Further even 'Nayakas' are treated as STs only in the Agency Track areas of A.P.
- 3). A complaint was made by AP ST Employees Association, Kurnool. The Association, will be interested only in protecting job opportunities to their communities and there is no possibility of having any personal enmity with the petitioner. As per rule 9(9) of the AP (SC ST & BC) Issue of Community, Nativity and Date of Birth Certificates Rules, 1997, the Collector without any complaint suo-moto can enquire into the correctness of caste status of an individual. The petitioner was fully aware that he does not belong to Nayaka ST Caste and he got appointment under the ST Category. This shows that he suppressed facts and got the benefits under ST Category.
- 4). The caste / community will be recorded by the school authority basing on the statement made by the parents / guardian at the time of admission and hence the school record cannot be relied upon for deciding the community of the individual. It is submitted that in this case the petitioner himself has come out with the fact that the school authorities have committed an error in recording his caste.

4. Based on the observations, the case was posted for personal hearing called on 31-8-2007, 17-9-2007 and finally the hearing was held on 27-3-2008. Both the appellant and his counsel were absent on all calls.

5. On perusal of the orders of the District Collector in the impugned proceedings, statement of the appellant before the DLSC. his contentions in the appeal petition, and the remarks of the District Collector, Kurnool, it is clear that:

1. The appellant himself admitted that he belongs to Tamil Nadu State and Naickar caste which comes under Backward Classes.
2. The contention of the appellant that he has not played any fraud in getting job under S.T. quota because his caste was recorded in his school records as Nayaka in place by the school authorities and his father enrolled his name in the employment exchange as such and thus there is no fraud on his part, is not acceptable. If he knows that he does

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not belong to 'Nayaka' ST but to Naikcar (BC), he might have admitted the same with his employer at the time of recruitment. But he did not do this and after so many years of service under ST quota, he is pleading innocence.

3. Therefore, it is felt that he enjoyed reservation benefit meant for genuine ST candidates even though he knows that he does not belong to any ST of A.P. Hence the appeal is found baseless.

6) In view of the above facts, and in exercise of the powers conferred under Section 7(2) of Act 16 of 1993, under Rules made there under as per G.O.Ms.No.58, SW (J)Department, dated 12.5.1997 the appeal petition by Sri. K.Gopal S/o Murugesan, is hereby rejected, upholding the orders of the District Collector, Kurnool, in proceedings No. R.Dis.C6/503/M/06, Dated: 20-4-2006.

7) The records received from the District Collector, Kurnool, through the reference 4<sup>th</sup> read above, are return herewith in original to him, and he is requested to acknowledge receipt of the same, immediately.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)

V.NAGI REDDY,  
PRINCIPAL SECRETARY TO GOVT.

To

The Collector, Kurnool District (WE). Original Record  
File bearing No. R.Dis.No.C6/503/M/2006, containing  
Pages NF 6 and CF 66.

Sri. K.Gopal, S/o Murugesan,  
Occ: Senior Compositor,  
Govt. Regional Printing Press,  
R/o 85/59, Shareen Nagar, Kallur(M),  
Kurnool District

Sri.J.Janaki Rami Reddy, Advocate,  
H.No.16-2-61/A/3, Akbarbagh,  
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Copy to:

The PS to Minister, TW Riad./ PS to Prl.Secretary (TW)  
The Director, TCR & TI., Hyderabad.  
Sf/Sc.

//Forwarded::By Order//

SECTION OFFICER